



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,214	04/20/2001	Mitsuru Tanabe	740819-548	9367
22204	7590	10/20/2003	EXAMINER	
NIXON PEABODY, LLP 8180 GREENSBORO DRIVE SUITE 800 MCLEAN, VA 22102			LEE, BENNY T	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

09/838,214

☐ This application has been examined ☒ Responsive to communication filed on 24 Sept 2003 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Two (2) month(s), 2 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 438

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 3, 4, 5-7 are pending in the application.
Of the above, claims 5-7 are withdrawn from consideration.
2. ☒ Claims 1, 2 have been cancelled.
3. ☒ Claims 3, 4 are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 3-7 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☒ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit: 2817

In view of the response filed 24 September 2003, the finality of the last Office action has been withdrawn, the amendments after final filed 24 September 2003 have been entered and the following actions on the merits have been taken:

Non-elected Claims:

Claims 5-7 remains withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5.

This application is in condition for allowance except for the presence of claims 5-7 directed to an invention non-elected without traverse in Paper No. 5. Applicant is required to cancel the noted claims such as to permit since this application will be passed to issue.

Quayle Action:

This application is in condition for allowance except for the following formal matters:

In the Specification:

The disclosure is objected to because of the following informalities: Page 25, lines 5, 12, note that "dc-blocking first" and "dc-blocking third" should be rewritten as --first dc-blocking-- and --third dc-blocking--, respectively. Appropriate correction is required.

The disclosure is objected to because of the following informalities: Note that all of the reference labels appearing in any particular drawing figure should be correspondingly described in the specification's description of that drawing figure. Examples include: Fig. 3A (13, 22); fig. 5C

Art Unit: 2817

(32, 33); fig 10C, 11B, 11D (211); fig. 11A, in it's entirety; etc. Appropriate correction is required.

Applicants' comments have been noted, but found to be unpersuasive. It is suggested that applicants' provide a statement in the specification that explicitly states that like elements/features in different drawing figures same are referred to by same reference labels and may not be described for all drawing figures in which they appear.

In the Drawings:

The drawings are objected to because of the following: In figs. 1, 2B, 2C, 3A, 3B, 4, 5B, 5C, 6A, 6B, 9, 10A, to 10D, 11A to 11D, 12A to 12D, 13A to 13C, 14A to 14C, for the cross-sectional views therein, note that proper cross-hatching for all dielectric material should be provided. Applicant's comments have been note. Accordingly, applicant's attention is directed to the table in MPEP 608.02 which depicts cross hatching for various materials. While the examiner will not suggest a choice of cross-hatching for the materials of applicants' invention, applicants' are none-the-less required to select an appropriate cross-hatching to from the MPEP table to designate the dielectric material. It should be noted that every layer of a different material can not be cross-hatched in the same way (i.e. single line cross-hatching representative of conductive material) to denote the different dielectric materials. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 2817

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. A shortened statutory period for reply to this action is set to expire **Two (2) Months** from the mailing date of this letter.

Claims 3 & 4 are allowable over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Lee whose telephone number is (703) 308 4902.

A handwritten signature in cursive script that reads "Benny Lee".

BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

B. Lee

October 10, 2003